

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER # 22
(Order for Submission of Bellwether Trial Plan)

At the last status conference conducted on September 13, 2012, the plaintiffs indicated that they would present a proposed scheduling order at the status conference on November 2, 2012, for MDLs 2325, 2326 and 2327. Due to weather, the status conference on November 2 was cancelled, and I will not meet with the parties again until December 6, 2012. In an effort to ensure matters continue to progress in these MDLs, it is **ORDERED** that plaintiffs' and defendants' leadership counsel meet and confer on the following issues on or before **November 15, 2012**:

1. When bellwether trials should begin in 2013 in MDLs 2325, 2326 and 2327;
2. The size of the initial trial pool and justification for the trial pool size;
3. The makeup of the trial pool (i.e., percentage of SUI, POP or combination cases);
4. Whether, in addition to written trial pool proposals, the parties would like an opportunity to present their choices at a brief oral presentation to the court; and
5. Which MDL trial pool case should go first and the order of procession thereafter.

On or before **November 21, 2012**, the parties should submit to the court, position papers not to exceed five (5) pages on the issues outlined above and any other issues pertinent to the scheduling of bellwether trials in the three MDLs cited above. Parties need not file their position papers. The court encourages joint filings by plaintiffs and defendants respectively; although this is not required.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:12-cv-07166. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsc.uscourts.gov.

ENTER: November 2, 2012


Joseph R. Goodwin, Chief Judge